

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RAYMOND E. BLAKE, ANTHONY M. :
WALKER, MICHAEL A. JOY, and :
ANTHONY D. ROGERS, :
:
Plaintiffs, :
:
v. : Civil Action No. 07-405-JJF
:
HEALTHCARE CMS, WARDEN RAPHAEL:
WILLIAMS, COMMISSIONER CARL C.:
DANBERG, GOVERNOR RUTH ANN :
MINNER, and MAYOR JAMES M. :
BAKER, :
:
Defendants. :

ORDER

WHEREAS, Plaintiffs, Anthony M. Walker ("Walker") and Anthony D. Rogers ("Rogers"), were prisoners incarcerated at the Howard R. Young Correctional Institution, Wilmington, Delaware at the time they filed their Complaint under 42 U.S.C. § 1983, along with applications to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

WHEREAS, the Court entered Orders granting Walker and Rogers leave to proceed in forma pauperis and required Walker and Rogers, along with the other named Plaintiffs, to pay the \$350.00 filing fee, jointly and severally, as determined by statute, and further assessed Walker an initial partial filing fee of \$9.50, and Rogers an initial partial filing fee of \$.60 (D.I. 10, 18);

WHEREAS, no monies have been paid towards the filing fee owed by Walker or Rogers, but Plaintiff Michael A. Joy has paid

\$19.43 towards the filing fee amount;

WHEREAS, on October 10, 2007, the Court was notified that Walker and Rogers are no longer incarcerated (D.I. 22, 23);

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7th Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed. Appx. 429 (3d Cir. 2003).

THEREFORE, at Wilmington this 28 day of December, 2007, IT IS HEREBY ORDERED that within thirty days from the date of this Order, Plaintiffs, Anthony M. Walker and Anthony D. Rogers shall either pay the balance of the filing fee owed (\$330.57) **or** each shall submit a new standard form application to proceed without prepayment of fees and affidavit so the Court may determine whether they are still eligible to proceed in forma pauperis.

NOTE: Plaintiffs Anthony M. Walker and Anthony D. Rogers failure to timely comply with this Order shall result in their respective dismissal without prejudice from this case.


UNITED STATES DISTRICT JUDGE